

BOUNDARIES OF YELLOWSTONE NATIONAL PARK.

FEBRUARY 5, 1895.—Laid on the table and ordered to be printed.

Mr. McRAE, from the Committee on the Public Lands, submitted the following

ADVERSE REPORT:

[To accompany H. R. 7.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 7) prescribing the boundaries of Yellowstone National Park, have had the same under consideration, and report the same back with the recommendation that it do not pass.

The subject is one which has received the attention of the committee at various times and under various forms. Your committee have finally come to the conclusion, after a thorough examination of the arguments on both sides, that the Yellowstone Park should remain undisturbed so far as its present boundaries are concerned, although they do not wish to exclude such additions as may from time to time be made to the present area of the reservation.

Your committee has at the present session succeeded in having perfected a measure which affords proper administration and protection to the park. This legislation is contained in an act to protect the animals in the park and to punish crimes committed there. The committee has also reported unfavorably two bills: one (H. R. 5066), a bill to establish facilities for travel through the park; also (H. R. 59) a bill to provide for the construction of an electric railroad in the park.

In the report accompanying the first of these bills there is embodied a letter from the Secretary of the Interior containing his views and those of the chief authorities on matters pertaining to the park, on the subject of allowing steam railroads within the reservation. These opinions are adverse to such a right, and had a strong influence in persuading your committee to adverse action on the bill. The same views prevailed regarding the right to construct an electric railroad within the park.

These reports show the disposition of your committee to preserve the park free from corporate intrusion.

Reasons no less strong prevail upon the committee to reject the present bill, which is one to change the existing boundaries of the park. From every point of view it is of the highest importance that the park should be preserved in its integrity. The boundaries were established by the organic act of 1872, under which the park was established. The mere fact that they have existed undisturbed for over twenty-two years in itself is a strong argument against disturbing them in the absence of any public necessity. We are persuaded that those who obtained the original legislation wisely established the landmarks, and it is fortunate that there is no occasion demanding any change

which will diminish the area originally set apart. In this conclusion we rest upon the concurring testimony of all the officers of the Government who have been concerned in the affairs of the park.

The park should be considered in three aspects:

First. As a region containing some of the chief natural wonders of the world.

Second. As the largest of the forest reserves.

Third. As the greatest existing game preserve.

Its fortunate situation and exceptional advantages enable the reservation to fulfill the two latter functions with the greatest possible success, and it is in aid of them that the constant attention of Congress and watchfulness of the authorities is demanded. No subject is more important, or in the future will demand more attention from legislators in this country, than forest protection. We are fortunate in having so long preserved the most important forest area on this continent. So important, indeed, is it that we should be most careful not to allow any invasion of it. In this interesting region head many of the great water systems of the Western country, and protection to the forests means protection to the streams.

It seems to be thought in many quarters sufficient justification for partially throwing open the park, or for allowing other invasions of it, that some private interest, perhaps important in itself, can be subserved by the proposed privilege. But your committee think that the park is far more important than any measure which has hitherto been brought to their attention as demanding a diminution of it or other encroachments upon it. The experiment of treating this reservation as a great game and forest reserve has proved entirely successful in the past; and the park can accomplish its full purpose in the future only if it shall remain unaffected by adverse legislation. It requires no great thought or penetration to see that if for one reason a change in the boundaries of the park is now allowed, other reasons apparently equally potent will be brought to bear upon Congress for the purpose of securing further changes. In this way it will only be a few years before the park is so cut down and encroached upon as hardly to be recognized.

It is true that the supporters of the present bill allege that the proposed boundaries would be better than those now existing. But their arguments will not bear the light of examination. It has been shown from official sources that much would be lost by the passage of the bill and nothing substantially gained. This will appear from regarding what is proposed by the bill.

First, in regard to the present boundaries of the park: (a) It cuts off a large area north of the Yellowstone, Lamar, and Soda Butte rivers, and makes them the northern boundary; (b) it cuts off the northeast corner; (c) it cuts off the southwest corner below the mouth of the Lewis River; (d) it cuts off a strip on the western boundary.

The bill proposes altogether to segregate from the park some 400,000 acres, or about 632 square miles. Large as this amount is, it fails to indicate the importance of the segregation.

Those who favor the bill have endeavored to persuade the committee that two changes could properly be made in the northern line.

(1) To draw that line down farther south, so as to recede to Montana a strip now embraced within the park.

But it has been conclusively established by official information that the retention within the park of this strip is most advisable. In immediate proximity to it is the Mammoth Hot Springs, one of the most

noticeable features of the park, and one of the main points visited by tourists. Here are also established the headquarters of the Government authorities. Some few miles distant from it is situated now a small town named Gardiner, which is almost entirely dependent on the park. The cession of the strip to Montana would enable a town or settlement to be established in the immediate neighborhood of the Mammoth Hot Springs, and thereby greatly increase the difficulty in the administration and policing of the park. Now, that there exists a law under which the park is governed, no serious question can arise as to the jurisdiction over the Montana strip, as that has been fully provided for.

(2) To draw the boundary still farther south as provided in this bill so as to make it conform to the Yellowstone, Lamar, and Soda Butte rivers. This change would take from the park about 150,000 acres. It would throw out of protection a large tract heavily timbered, which forms the watershed of the main branch of the Yellowstone. It would allow settlements to come down to the east fork of the Yellowstone, and would make the protection of the Yellowstone River very difficult, if not impossible. Consequently that stream would soon be polluted from the effect of mining and milling, and the main fish stream and most beautiful river in the park would be ruined. It would abandon the main part of the only good winter grazing land in the park, and would entail the destruction of the elk, deer, antelope, and mountain sheep. It would surrender the Gardiner Canyon, the principal approach to the park. The streams which would constitute the new northern boundary are easily fordable, and would afford no obstacle to poachers or other intruders.

The northeast corner of the park is walled in on the north by a range of impassable mountains. No settlers can inhabit there, and law-breakers can not pass over this barrier to destroy the game in winter.

If the segregation bill should be passed, there will be substituted for this natural barrier—now a silent, effective, and inexpensive protection on the northeast—only a narrow river which can be easily crossed. To prevent incursions from the north bank of the Yellowstone River, large bodies of troops would be required to constantly patrol the south bank. The difficulties of administration would thus be vastly increased. The danger to all that renders the park desirable would be made more imminent. Whether it was mere chance or the wisdom of those who framed the original bill setting aside the National Park, the fact certainly is that this most important corner of the park is protected by nature far better than it could have been protected by the efforts of man, if vast sums had been expended for the purpose of keeping out the lawbreakers.

The country proposed to be cut off from the National Park by this act is, on account of its altitude, entirely valueless for purposes of agriculture, and whatever grazing there may be on it is needed for the wild game which Congress has protected for more than twenty years. Much of the region consists of steep mountain sides and forms a valuable and necessary part of the watershed of the Yellowstone River. It is high and well timbered, and so is admirably adapted to hold snow, and by allowing it to melt gradually it tends to keep the river always full and to prevent periods of very low water. It is thus of the utmost importance in regulating the water supply of the Yellowstone River and of great benefit to agriculture in the lower valley of that stream. The cutting off of this corner would inevitably result in the deforesting of

these mountains and in consequent injury to agricultural interests lower down the stream.

Besides this, the cutting off of the territory indicated will cause great destruction among the game, and it is believed will absolutely exterminate all the antelope at present in the park. These animals, which during the summer range in the higher country of the park, are driven down by the deep snow of the winter to the flats of the Yellowstone and Gardiner rivers. The segregation bill would throw open to the public this limited winter range and all the antelope would be in danger of being killed off during the first winter after the change in the boundary. There are two small herds of mountain sheep and a few buffalo in the country proposed to be cut off, which would also be destroyed. A large number of elk also range there which would be exterminated.

Captain Anderson, the superintendent of the park, in his report for 1891 says :

Continued observation has convinced me that the north line of the park should remain exactly where it is. To make the Yellowstone, Lamar, and Soda Butte rivers the line, would be to destroy 25 and perhaps 50 per cent of the game in the park, as this valley is the most extended winter range.

Instead of advantage resulting to the park by the change of boundary your committee are convinced that the greatest possible detriment would follow. The only benefit would be to individuals and corporations who, for their own advantage, desire the change made.

Your committee do not deem it necessary in this report to enter largely into the question whether this surrender of an important portion of the park is necessary for any particular railroad construction. That question is one which can only properly arise when some railroad shall present it as an independent proposition. This bill is supposed to be only for the benefit of the park, and we can not assume it to be framed for the benefit of railroads; but we may now say that no corporate interest, but only a public exigency would justify your committee in lending its support to any measure which would deprive the reservation of any part necessary for the purposes for which the park was set apart. A narrow strip of the western portion of the reservation is proposed by the bill to be so guarded because it lies within Idaho. But this in itself is not a sufficient reason, as no difficulty can arise owing to that fact, and for various reasons the Interior Department is in favor of the present western boundary.

Nor does the cut in the southwestern corner of the park commend itself to the committee. The only argument alleged in its support is that some day some railroad may need the tract here proposed to be segregated from the park. If every time a corporation needs a portion of the park it is to be given to it, the demand will soon exceed the supply. What is given to one can not be refused to others whose demands are equally just. Your committee think the public interest and the public sentiment call upon Congress not to recede from the wise policy by which this park was dedicated for the benefit and enjoyment of the people of the entire country.

We are told that the bill would give to the park much more territory than it takes away. It does so in form but not in substance. It adds to the park a part of the adjacent Yellowstone Park Forest Reserve, while at the same time it diminishes that reserve 1,239 square miles, which it restores to sale and settlement. Now for all general purposes the forest reserve was as much set apart by the proclamation of the President dated March 3, 1891, as if it had been included in the park

itself, although for purposes of game protection it would have been more beneficial to make it by law a part of the park.

It thus appears that the bill contains even a severer attack on the forest reserve than on the park itself, for it reduces the former more than one-half, bestowing on the park only what is left of it. The reason assigned for this breaking up of the forest reserve is that minerals have been discovered within its boundary. If this reason was accepted the forest reserves would soon be cut up and destroyed, since there are few of them in which mining rights might not be established. Your committee is not in favor of throwing open the forest reserve. If any relief to parties seeking to establish mining rights is demanded, it can be had in some other way.

In conclusion your committee refer to the annexed map indicating the changes which would be effected in the boundary of the park and of the Yellowstone Forest Reserve by the bill hereby adversely reported. They also annex as part of their report a letter from the Secretary of the Interior unfavorable to the bill:

DEPARTMENT OF THE INTERIOR,
OFFICE OF SUPERINTENDENT YELLOWSTONE NATIONAL PARK,
Mammoth Hot Springs, Wyo., October 30, 1893.

SIR: I return you herewith the bill "to establish the boundaries of the Yellowstone National Park," H. R. 7, with my strongest disapproval. It is the old enemy known hereabouts as the "segregation bill." The boundaries of the park as now fixed, and including the timber reserve, are thoroughly satisfactory, and should not be interfered with in any way.

It is proposed by this bill—

- (1) To cut off all the park north of the Yellowstone, Lamar, and Soda Butte rivers.
- (2) To cut off a northeast corner down to 44° 45' north latitude.
- (3) To cut off the southwest corner below the mouth of Lewis River.

Not one of the portions thus sought to be cut off is of the slightest use to any considerable number of people. It is claimed that the north part is needed as a right of way for a railroad to Cook City. The whole wealth of Cook would not pay *running expenses* on one train a year, and there is not the slightest chance of such a road ever being built.

The people of Livingston are the active boomers of this project, and the cause is obvious; they want to hold on to the trade of Cook, which is certain to slip away from them if transportation routes are opened in any other direction, as by the advancing "Burlington route."

In a word, these three cuts would each be squatted on by a crowd of poachers, trappers, and skin hunters. The north one would destroy the best (except one) winter range for elk; the northeast one would take the home of the mountain sheep; the southwest one would take the home of the few remaining moose, and encroach dangerously upon the summer range of the buffalo.

If any public good would be subserved I should not make strong opposition, but this bill is purely in the interest of private greed, and that, too, of not a very high order. I recommend that the bill receive your active, earnest opposition.

Yours, very respectfully,

GEORGE S. ANDERSON,
Captain Eighth Cavalry, Acting Superintendent Yellowstone National Park.

THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, March 30, 1894.

SIR: Your letter has been received, inclosing H. R. bill No. 7, "to establish the boundaries of the Yellowstone National Park and for other purposes," and requesting the views of the Department thereon.

In response thereto I have the honor to state that the Yellowstone National Park, the metes and bounds of which are described in section 2471 Revised Statutes, United States, has an area of about 2,289,920 acres, or 3,578 square miles, and the timber-land reserve established by proclamation of the President, dated March 30, 1891, which abuts the eastern and southern boundaries of the park, and is practi-

cally a part thereof, being governed by the regulations applicable to the Yellowstone National Park and under the supervision of the acting superintendent thereof, has an area of 1,388,160 acres, or 2,169 square miles.

The bill hereinbefore referred to proposes to segregate from the Yellowstone Park 398,080 acres, or 622 square miles, and from the timber-land reserve 792,960 acres, or 1,239 square miles, making a total reduction from the present reserve areas of 1,191,040 acres, or 1,861 square miles. The boundaries of the park and of the timber reserve, as fixed by the statute and the proclamation above referred to, are thoroughly satisfactory, and no good reason, administrative or otherwise, has been presented showing the necessity for a change thereof, such as is contemplated by H. R. bill No. 7.

The bill proposes to take from the west side of the park a narrow strip of land situated in Idaho, and a narrow strip on the north side situated in Montana, returning the land in those States to the public domain and confining the park within the limits of the State of Wyoming. It also proposes to cut off the extreme northeast corner of the park and make the North Fork of the Yellowstone, sometimes called the Lamar River, the natural boundary; also to reduce the timber reserve by restoring a part thereof to the public domain, and including a portion thereof within the park proper.

I am advised that of the portions sought to be cut off from the park, (1) north of the Yellowstone, Lamar, and Soda Butte rivers; (2) the northeast corner of the park down to 44° 45' north latitude; (3) the southwest corner below the mouth of the Lewis River, not one is of the slightest use to any considerable number of people. Those sections would each be squatted upon by crowds of poachers, trappers, skin-hunters, and other undesirable characters, thereby augmenting the difficulties attending the enforcement of the regulations for the government of the park, which, even under existing conditions, are great. The taking away of the northern portion would destroy the best (except one) winter range for elk; the northeast would include the home of the mountain sheep, that of the southwest would also include the home of the few remaining moose, and encroach dangerously upon the summer range of the buffalo.

In addition to the foregoing objections, it may be stated generally that the passage of the bill in question would establish a bad precedent, and will only be the commencement of the turning of the entire reservation over to private interests, for if Congress diminishes these reservations, as is proposed by this bill, in the interest of those who desire to occupy that portion of the Territory carved out thereby, it can not consistently refuse to take off other portions for restoration to the public domain. Furthermore, there is no present need for the immediate use of any portion of the land desired to be taken from this park and reservation to satisfy the demands of the public, as there are thousands of acres of public lands unappropriated which are much better adapted for homestead purposes, timber product, and mining uses than that sought to be secured by the terms of this bill.

In this connection it is proper to add that bills similar in character to the one now under consideration have from time to time been submitted by Congress to the Department for its views, and have been uniformly returned with an expression of its disapproval.

I transmit herewith for your information a copy of a letter from the acting superintendent of the Yellowstone National Park, to whom the bill was referred for report, setting forth in detail his reasons for objecting to the passage of the bill, together with a copy of my annual report for the fiscal year ended June 30, 1893, in which the Yellowstone Park and its needs are fully discussed.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. THOMAS C. McRAE,

Chairman Committee on the Public Lands, House of Representatives.

111°

110°

109°

EXPLANATIONS

Surveyor Generals Office

U.S. Land Offices

Townships not subdivided



Yellowstone National Park

Yellowstone Park Timber Reserve

Boundary according to Senate Bill No 1753

1302 & House Bill No. 7

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